

Group II, including claims 4-8 and 10-12, allegedly drawn to a transformer.

The Examiner alleges that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because they allegedly lack the same or corresponding special technical features for the reasons that: the control system allegedly does not depend upon a transformer.

Applicants respectfully traverse this Restriction Requirement for the following reasons.

Initially, Applicants note that they do not understand the Examiner's restriction requirement reasons. Namely, the Examiner alleges that the inventions in the various claim Groups lack the same or corresponding technical features because "the control system does not depend upon a transformer". Applicants note that they do not claim a control system, and instead claim a method for reproducing direct currents with the aid of a primary winding as set forth in claim 1, and a direct current transformer having a primary winding through which direct currents to be measured flows, as claimed in independent claim 4. There is no "control system" claimed in either claim.

Applicants respectfully submit that there is no undue burden on the Examiner to examine each of claims 1-12, within Groups I and II indicated by the Examiner. The Examiner has not cited any particular additional search which needs to take place and thus it would be no undue burden for the Examiner to examine both the method and apparatus claims in connection with the present application.

Each of the two distinct categories of inventions comprising different categories of claims may be

and claims to an apparatus designed for carrying out the process must be maintained in the same application (see PCT Rule 13, and MPEP 1850, section C, paragraph B). As the present apparatus of claim 4 is designed for carrying out the method of claim 1, it and other apparatus claims should be examined together with the method claims.

Further, according to MPEP 1850, "unity of invention before the International Searching Authority...", the expression "specifically designed" does not imply that an apparatus could not be used for carrying out another process, nor that the process could not be carried out using an alternative apparatus. Therefore, even if the method for reproducing direct currents does not depend upon a direct current transformer, this cannot be a reason for setting forth an election requirement.

Accordingly, for at least the aforementioned reasons, Applicants respectfully request the Examiner to withdraw the outstanding restriction requirement and to examine each of claims 1-12 in connection with the present application.

In order to ensure that the present response is fully responsive to the Examiner's Office Action, Applicants provide an election of Group I, including claims 1-3 and 9, in order to ensure that the present reply is complete. However, Applicants again request examination on each of claims 1-12 in connection with the present application and again traverse the Examiner's restriction requirement.

CONCLUSION

Accordingly, in view of the above remarks, reconsideration of the Examiner's outstanding restriction requirement and allowance of each of claims 1-12 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

In necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

Dated: September 10, 2003

By: 
Donald J. Daley, Reg. No. 34,313

DJD/bof